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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,090	10/28/2003	Makoto Minari	B588-037	5063
26272 7590 03/20/2008 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER				
HU, JINSONG				
ART UNIT		PAPER NUMBER		
2154				
MAIL DATE		DELIVERY MODE		
03/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,090

Applicant(s)

MINARI, MAKOTO

Examiner

JINSONG HU

Art Unit

2154

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-2, 5 and 7-8 are presented for examination. Claims 1-2, 5 and 7-8 have been amended. Claims 3-4, 6 and 9-13 have been canceled.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-2 and 5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-2 and 5 direct to different "means", but there is no definition in the specification for explaining the means is implemented in hardware or software. Based on the specification, it seems the "means" is software code, which does not fall within any statutory category.

Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et al. (US 6,966,058) in view of "Official Notice".

6. As per claim 1, Earl teaches the invention as claimed including a terminal apparatus connected to a network to which a management apparatus is connected [col. 3, lines 22-56], the terminal apparatus comprising:

reception means for receiving instruction which is transmitted from the management apparatus or another terminal apparatus connected to the network [116 a-b, Fig. 1; col. 4, lines 4-13; col. 7, lines 31-65];

search means for searching for a second terminal apparatus which is connected to the network and has not received the instruction [col. 8, line 23 - col. 9, line 5; col. 10, lines 7-19]; and

transfer means for transferring the received instruction to the second terminal apparatus [col. 5, lines 5-12; col. 11, lines 7-23].

Earl does not specifically teach the instruction is a quitting instruction. However, "Official Notice" is taken that both the concept and advantages of providing for quitting instruction and informing instruction are well known and expected in the art. It would have been obvious to a person of ordinary skill in the art to utilizing any instruction such as program quitting instruction to implement certain process.

7. As per claim 2, Earl teaches the reception means further receives instruction for instructing at least one of an installation process of a program, a delete process of a

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program which is held in advance, a launch process of a program which is held in advance or is installed, an environment setup process of a program which is held in advance, and a process for acquiring status of a program which is held in advance and sending the acquired status to the management apparatus [col. 7, lines 59-65; col. 8, lines 41-52].

8. As per claim 5, Earl teaches the invention substantially as claimed including a management system comprising a management apparatus and a plurality of terminal apparatuses connected to a network, said management apparatus comprising:

generation means for generating a instructions [col. 7, lines 31-65]; and

transmission means for transmitting the generated instruction to one of the plurality of terminal apparatus [col. 5, lines 5-11; col. 11, lines 7-22], and

each terminal apparatus comprising:

reception means for receiving the instruction which is transmitted from the management apparatus or another terminal apparatus connected to the network [116 a-b, Fig. 1; col. 4, lines 4-13; col. 7, lines 31-65];

search means for searching for a second terminal apparatus which is connected to the network and has not received the instruction [col. 8, line 23 - col. 9, line 5; col. 10, lines 7-19]; and

transfer means for transferring the received instruction to the second terminal apparatus [col. 5, lines 5-12; col. 11, lines 7-23].

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9. As per claims 7-8, since they are method, computer product and device claims of claim 1, they are rejected for the same basis as claim 1 above.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jinsong Hu/

Primary Examiner, Art Unit 2154